

Application No.: 10/706,423

Attorney Docket No.: FUK-140

Response Dated: December 13, 2004

Reply for Notice to File Corrected Application Papers dated: September 14, 2004

REMARKS

According to the Notice, a responsive filing requires the submission of a substitute specification in compliance with 37 C.F.R. §1.52, §1.121(b)(3), and §1.125. The Notice states that Pages 1-90 of the application papers (specification, claims and abstract) are not in compliance with 37 C.F.R. §1.52(a).

Applicant has replaced the specification currently of record with the substitute specification enclosed herewith, pursuant to 37 C.F.R. §1.121. A marked-up version and a clean version of the substitute specification are enclosed herewith, pursuant to 37 C.F.R. §1.125. The substitute specification, in addition to the replacement abstract, contains no new matter. The marked-up version of the substitute specification reflects changes to the immediate prior version of the specification of record, namely, the originally filed specification as amended by the prior preliminary amendment dated November 10, 2003 and filed concurrently with the original nonprovisional application papers.

Applicant has enclosed herewith a listing of the current version of the claims, reflecting the state of the claims originally filed in the application as amended by the prior preliminary amendment filed with the original nonprovisional application papers. No claim amendments are being made herein.

Applicant has replaced the drawings currently of record in the application - as submitted in the original application filing papers - with the attached eighty (80) replacement drawing sheets containing ninety-five (95) figures. The replacement drawings contain no new matter. Applicant submits that the replacement drawings are in compliance with 37 C.F.R. §1.84 and 37 C.F.R. §1.121. No changes are being made to the drawings by submission of the replacement

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drawings herein, other than to render the drawings to be compliant with 37 C.F.R. §1.84 and 37 C.F.R. §1.121. Accordingly, no marked-up (annotated) copies of the drawings are being filed herewith.

Regarding the replacement drawings, Applicant notes that the Notice also specifies that Figure 89 appears to have been omitted from the application as originally filed. Under separate cover, Applicant has previously filed a response to this portion of the Notice detailing the manner in which Figure 89 was in fact deposited in the USPTO with the original nonprovisional application papers, namely, by operation of an incorporation by reference statement submitted in a preliminary amendment filed concurrently with the original application papers and referencing co-pending parent U.S. Patent Application No. 10/100,533, which acted to constructively deposit the purportedly missing Figure 89 into the current (divisional) case from the parent case. This prior response to the Notice also included the filing of the Figure 89 drawing sheet to complete the application record regarding the drawing figures. However, for sake of completeness and unity of paperwork concerning this submission, although the Notice only refers to Figures 1-88 and 90-95 as being subject to the requirement of replacement drawings, Applicant hereby submits replacement drawings for Figure 89 in addition to the required Figures 1-88 and 90-95.

Applicant believes that the submission herein of the Amendments to the Specification, listing of claims, and replacement drawings renders the application in compliance with 37 C.F.R. §1.52, §1.121, and §1.125. Applicant believes that this filing and the prior reply to the Notice (concerning Figure 89) constitute a complete and fully responsive reply to the Notice. Accordingly, Applicant respectfully requests the issuance of a filing receipt.

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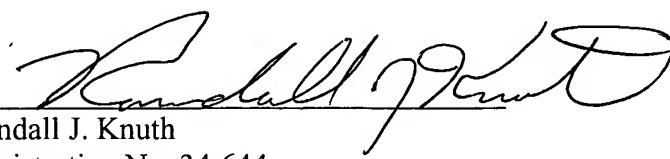
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If the Office has any questions or comments that would advance prosecution of this case, the Office is invited to call the undersigned at 260/484-4526.

Respectfully Submitted,



Randall J. Knuth

Registration No. 34,644

RJK/jrw2

Enclosures: Amendments to the Specification

(2 Sheets)

Marked-Up Version of the
Substitute Specification

(76 sheets)

Clean Version of the
Substitute Specification
(75 sheets)

Listing of the Current Version
of the Claims
(2 Sheets)

Amendments to the Drawings
(1 sheet)

Replacement Drawings
(80 sheets – 95 figures)

Explanatory Cover Sheet - Page 1

Petition for Extension of Time

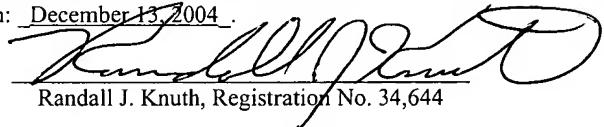
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on: December 13, 2004.



Randall J. Knuth, Registration No. 34,644

December 13, 2004

Date

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AMENDMENTS TO THE DRAWINGS

Please replace the drawings currently of record in the application, as submitted in the original application filing papers, with the attached eighty (80) replacement sheets containing ninety-five (95) drawing figures.